

REMARKS

[0003] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-11 and 16-40 are presently pending. Claims amended herein are 1, 16, 24, 30, and 33. Claims withdrawn or cancelled herein are 12-15. New claims added herein are 35-40.

Statement of Substance of Interview

[0004] Examiner Wert graciously talked with Michael D. Carter—the undersigned representative for the Applicant—on October 7, 2008. Applicant greatly appreciates the Examiner's willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0005] During the interview, I discussed how the claims differed from the cited reference, namely Gosior. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments.

[0006] In a telephone discussion on October 7, 2008, Examiner Wert indicated that amendments to the claims involving decreasing transmission/reception power of the game controller to conserve the battery of the game controllers would facilitate advancement of the prosecution of the present application. Amendments are presented herein based on the discussion with the Examiner

[0007] Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited reference of record for at least the reasons discussed during the interview.

Formal Request for an Interview

[0008] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can discuss this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0009] Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

Claim Amendments and Additions

[0010] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 16, 24, 30, and 33 herein. Applicant amends claims to clarify claimed features. Such amendments are made to expedite prosecution and to more quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to the cited reference.

[0011] Furthermore, Applicant adds new claims 35-40 herein. These new claims are fully supported by the Application and therefore do not constitute new matter.

Substantive Matters

Claim Rejections under § 102

[0012] The Examiner rejects claims 1-34 under § 102. For the reasons set forth below, the Examiner has not shown that the cited reference anticipates the rejected claims.

[0013] Accordingly, Applicant respectfully requests that the § 102 rejections be withdrawn and the case be passed along to issuance.

[0014] The Examiner's rejections are based upon the following reference alone:

- **Gosior:** *Gosior, et al.*, US Patent No. 6,684,062 (issued January 27 2004).

Overview of the Application

[0015] The Application describes a technology for a game controller and host manage reception and transmission power of the game controller by determining quality of service (QOS) of data received at the game controller and the host and decrementing power and receiver sensitivity levels to the lowest levels where QOS is acceptable. By maintaining lowest transmission power and receiver sensitivity levels, battery consumption is reduced.

Cited References

[0016] The Examiner cites Gosior as the primary reference in the anticipation-based rejections.

Gosior

[0017] Gosior describes a technology for a wireless system for video game control comprised of a base transceiver engaged with an electronic game device where said base transceiver communicates wirelessly with one or more wireless controllers concurrently and which implements a variety of techniques to achieve significant advantages in the areas of latency, reliability, power consumption, and cross platform compatibility.

Anticipation Rejections

[0018] Applicant submits that the anticipation rejections are not valid because, for each rejected claim, no single reference discloses each and every element of that rejected claim.¹ Furthermore, the elements disclosed in the single reference are not arranged in the manner recited by each rejected claim.²

Based upon Gosior

[0019] The Examiner rejects claims 1-34 under 35 U.S.C. § 102(b) as being anticipated by Gosior. Applicant respectfully traverses this rejection. Based on the reasons given below, Applicant asks the Examiner to withdraw the rejection of these claims.

Independent Claim 1

[0020] The Examiner indicates (Action, page 2) the following with regard to claim 1:

¹ "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); also see MPEP §2131.

² See *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

3. Regarding claims 1, 6-8, 12-14, 16-18, 22-26 and 28-34, Gosior discloses a wireless (RF) gaming system and method comprising a host (12/14) that receives game controller data and determines QOS on the received controller data based on data packets, wherein transmission power management at the game controller is based on the QOS of the received game controller data (Col. 10 lines 14-25); and a general-purpose game controller (10) that transmits the game controller data to the host, receives host data from the host and determines QOS on the received host data based on data packets, wherein reception power management at the game controller is based on the QOS of the received host data (Col. 9, line 50 – Col. 10, line 5).

[0021] Claim 1, as amended, recites a gaming system comprising, a host that receives game controller data and determines quality of service (QOS) on the received game controller data, wherein transmission power at the game controller is based on the QOS of the received game controller data; game controller that transmits the game controller data to the host, receives host data from the host and determines QOS on the received host data, wherein reception power at the game controller is based on the QOS of the received host data, the game controller coupled to a battery; and wherein a magnitude of the transmission power and the reception power conserves consumption of the battery.

[0022] Gosior does not disclose or show "the game controller coupled to a battery; and ***wherein a magnitude of the transmission power and the reception power conserves consumption of the battery.***"

[0023] Gosior is completely silent with respect to a magnitude of the transmission/reception power of the game controller conserves consumption of the battery of the game controller. Instead, Gosior merely recites a sub-header of a polling packet having a CPH and CPD component containing data type, data address, and data control information and RF link control information. The RF link control includes transmission and receiving power level fields to adjust power levels dynamically. See column 9, line 66 – column 10, line 5. However, Gosior has no mention of adjusting the power levels to conserve consumption of a battery of a game controller, as recited by Applicant's invention of claim 1. Consequently, Gosior does not disclose all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 2-11

[0024] In addition to its own merits, dependent claims 2-11 are allowable for the same reasons that independent claim 1 is allowable. Applicant requests that the Examiner withdraw the rejection of dependent claims 2-11.

Independent Claim 16 and dependent claims 17-23

[0025] Applicants respectfully contend that the arguments set forth above with respect to independent claim 1, as amended, applies with equal weight here and Gosior does not disclose all of the claimed elements and features of independent claim 16, as amended. Accordingly, Applicant asks the Examiner to

withdraw the rejection of this claim. Further, dependent claims 17-23 are allowable for the same reasons that independent claim 16 is allowable. Applicant requests that the Examiner withdraw the rejection of dependent claims 17-23.

Independent Claim 24 and dependent claims 25-29

[0026] Applicants respectfully contend that the arguments set forth above with respect to independent claim 1, as amended, applies with equal weight here and Gosior does not disclose all of the claimed elements and features of independent claim 24, as amended. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim. Further, dependent claims 25-29 are allowable for the same reasons that independent claim 24 is allowable. Applicant requests that the Examiner withdraw the rejection of dependent claims 25-29.

Independent Claim 30 and dependent claims 31-32

[0027] Applicants respectfully contend that the arguments set forth above with respect to independent claim 1, as amended, applies with equal weight here and Gosior does not disclose all of the claimed elements and features of independent claim 30, as amended. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim. Further, dependent claims 31-32 are allowable for the same reasons that independent claim 30 is allowable. Applicant requests that the Examiner withdraw the rejection of dependent claims 31-32.

Independent Claim 33 and dependent claim 34

[0028] Applicants respectfully contend that the arguments set forth above with respect to independent claim 1, as amended, applies with equal weight here and Gosior does not disclose all of the claimed elements and features of independent claim 33, as amended. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim. Further, dependent claim 34 are allowable for the same reasons that independent claim 34 is allowable. Applicant requests that the Examiner withdraw the rejection of dependent claim 34.

New Dependent Claim 35

[0029] New claim 35 recites a gaming system comprising, a host that receives game controller data and determines quality of service (QOS) on the received game controller data, wherein transmission power at the game controller is based on the QOS of the received game controller data; game controller that transmits the game controller data to the host, receives host data from the host and determines QOS on the received host data, wherein reception power at the game controller is based on the QOS of the received host data, the game controller coupled to a battery; wherein a magnitude of the transmission power and the reception power conserves consumption of the battery; and wherein the transmission power is set to an upper threshold value to transmit

initial data to the host and the reception power is set to an upper threshold value to receive initial data from the host.

[0030] Gosior does not disclose or show “the transmission power is set to an upper threshold value to transmit initial data to the host and the reception power is set to an upper threshold value to receive initial data from the host.”

[0031] Gosior is completely silent with respect to setting the transmission/reception power to an upper threshold to transmit/receive initial data to/from the host. As mentioned above, Gosior merely recites a sub-header of a polling packet having a CPH and CPD component containing data type, data address, and data control information and RF link control information. The RF link control includes transmission and receiving power level fields to adjust power levels dynamically. See column 9, line 66 – column 10, line 5. However, Gosior has no mention of setting the transmission/reception power to an upper threshold to transmit/receive initial data to/from the host. Consequently, Gosior does not disclose all of the elements and features of this claim.

New Dependent Claim 36

[0032] New claim 36 recites a method to adjust communication power of a game controller, the game controller coupled to a battery, the method comprising, receiving data from a host; determining if data from the host is correctly received; changing receiver sensitivity based on the determining if data from the host is correctly received; wherein a magnitude of the receiver

sensitivity conserves consumption of the battery; and maintaining a link between the host and the game controller while changing the receiver sensitivity.

[0033] Gosior does not disclose or show “maintaining a link between the host and the game controller while changing the receiver sensitivity.”

[0034] Gosior is completely silent with respect to maintaining a link between controller 10 [the game controller] and base transceiver 12 [the host] while changing the receiver sensitivity. Gosior merely recites adjusting the power levels dynamically, but has no mention of maintaining a link between the controller 10 and the base transceiver 12. Consequently, Gosior does not disclose all of the elements and features of this claim.

New Dependent Claim 37

[0035] Applicants respectfully contend that the arguments set forth above with respect to new claim 36 applies with equal weight here and Gosior does not disclose all of the claimed elements and features of new dependent claim 37.

New Dependent Claims 38-39

[0036] Applicants respectfully contend that the arguments set forth above with respect to new claim 35 applies with equal weight here and Gosior does not disclose all of the claimed elements and features of new dependent claims 38-39.

New Independent Claim 40

[0037] New independent claim 40 recites a method to adjust communication power between a host and a game controller, the method comprising, receiving data by the game controller from a host; determining quality of service (QOS) of the received data from the host; adjusting reception power of the game controller based on the QOS determination of the received data from the host; transmitting data from the game controller to the host; determining quality of service (QOS) of the received data from the game controller; adjusting transmission power of the game controller based on the QOS determination of the received data from the game controller; and wherein the reception and transmission power are adjusted to the lowest power level while maintaining a desired QOS.

[0038] Gosior does not disclose or show “wherein the reception and transmission power are adjusted to the lowest power level while maintaining a desired QOS.”

[0039] Gosior is completely silent with respect to adjusting the reception and transmission power to the lowest power level while maintaining a desired QOS. As stated above, Gosior merely recites a sub-header of a polling packet having a CPH and CPD component containing data type, data address, and data control information and RF link control information. The RF link control includes transmission and receiving power level fields to adjust power levels dynamically. See column 9, line 66 – column 10, line 5. However, Gosior has no mention of

adjusting the reception and transmission power to the lowest power level while maintaining a desired QOS. Consequently, Gosior does not disclose all of the elements and features of this claim.

Conclusion

[0040] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call or email me at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC
Representatives for Applicant

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